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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,424	01/10/2002	Yasuhiro Yoneda	217771USOPCT	3839
22850	7590	01/18/2005		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER UMEZ ERONINI, LYNETTE T	
			ART UNIT 1765	PAPER NUMBER

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/030,424

Applicant(s)

YONEDA ET AL.

Examiner

Lynette T. Umez-Eronini

Art Unit

1765

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1-4, 6-11, and 13.

Claim(s) objected to: _____.

Claim(s) rejected: 5, 12, 31 and 32.

Claim(s) withdrawn from consideration: 9, 14-20 and 28-30.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

NADINE G. NORTON
SUPERVISORY PATENT EXAMINER

Continuation of 2. NOTE:

New claims 33-37 include all of the limitations of independent claim 32, which has been rejected over Kaufman et al. (US 5,783,489) in the Office Action of 10/20/2004.

Continuation of 5. does NOT place the application in condition for allowance because:

Applicants argue Kaufman (US '489) fails to teach a polishing liquid composition that comprises applicants' specific combination of acid in new independent claim 33 of an (i) aliphatic carboxylic acid having 7 to 24 carbon atoms and/or a salt thereof and at least one selected from the group consisting of (ii) the recited etching agent as specified in claim 33 along with the limitations of claims 34-37 is unpersuasive because:

Kaufman teaches, "A chemical mechanical polishing slurry comprising at least two oxidizing agents, an organic acid and an abrasive . . ." (Abstract). ". . . A wide range of conventional organic acids, salts or organic acids, and mixtures thereof are useful in the CMP slurry of the present invention to enhance the selectivity of oxide polishing rate. . . . Preferably the organic acid is selected from the group of . . . lauric acid, . . . myristic acid (same as applicant's aliphatic carboxylic acid having 7 to 24 carbon atoms) . . . palmitic acid (same as applicant's aliphatic carboxylic acid having 7 to 24 carbon atoms), . . . propionic acid (same as applicant's aliphatic organic acids selected from the group consisting of formic, propionic, tricarballic, . . . acids), which comprises the applicants' polishing composition as recited in new independent claim 33.